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In re Application of :
WYATT et al. :
Application No.: 09/446,799 :
PCT No.: PCT/US98/23998 :
Int. Filing Date: 10 November 1998 : DECISION
Priority Date: 10 November 1997 :
Attorney Docket No.: 157/48457 :
For: GLYCOSYLATED MODIFIED PRIMATE
LENTIVIRUS ENVELOPE POLYPEPTIDES :
:

This decision is in response to applicants' "RENEWED PETITION UNDER RULE 47(a)" filed 01 May 2001.

BACKGROUND

On 22 December 1999, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a petition and fee to revive the international application. In a decision mailed 10 April 2001, applicants' petition to revive was granted.

On 18 April 2000, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) were required. The NOTIFICATION set a one-month extendable period for reply.

On 09 September 2000, applicants submitted, *inter alia*, a petition under 37 CFR 1.47(a).

On 02 March 2001, the USPTO mailed a decision dismissing applicants' petition under 37 CFR 1.47(a).

On 01 May 2001, applicants submitted the instant "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)", which was accompanied by a declaration executed by all of the joint inventors.

DISCUSSION

The declaration filed 01 May 2001 is in compliance with 37 CFR 1.497(a)-(b). Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the renewed petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date has been charged to Deposit Account No. 50-0850, as authorized in the renewed petition.

CONCLUSION

For the reasons set forth above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED as MOOT.**

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Affairs.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. 371(c) date of **01 May 2001.**



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